

MEMORANDUM

TO: Advisory Committee on Acoustic Impacts on Marine Mammals
FROM: David Cottingham
DATE: 8 November 2005
SUBJECT: Process update on deadline for non-consensus statements and FACA charter extension

The Advisory Committee and the Commission are making progress toward implementing the plan laid out in the 29 September 2005 memorandum on “Advisory Committee wrap-up.” To review, these were the basic steps and rules we agreed to:

Step 1. The Commission, with assistance from the facilitators, will prepare a summary of the Advisory Committee process, explaining that we brought together people with diverse interests to engage in dialogue and develop recommendations that could be endorsed by all stakeholders on how best to proceed to address potential effects of noise on marine mammals. This summary will be negotiated by phone and/or e-mail, and draft text may be drawn from parts of the existing Introduction section of the 5 August draft report. Together with the statements described in Step 2, this will constitute the Advisory Committee report to the Commission.

➤ *The facilitators circulated the draft process description on 21 October 2005, and comments were due on 4 November. The facilitators will incorporate revisions they received into a redlined version that they will then circulate by email on or before 11 November for final approval. The facilitators will ask for final approval from Committee members by 18 November.*

Step 2. Members of the Committee will have an opportunity to provide to the Commission individual, caucus, or cross-caucus (non-consensus) statements that express their perspectives on the issues that the group discussed in response to the Advisory Committee’s charter. The non-consensus statements are to be submitted to the Commission and will be forwarded, without change, to Congress as an appendix to the Commission’s report. Together with the process summary described in Step 1, these statements will constitute the Advisory Committee’s report to the Commission. Ground rules include the following:

- Development of individual, caucus, and cross-caucus statements should begin as soon as possible.
- Maximum length will be 30 pages total per statement.*
- The Commission and facilitators will not participate in the development of these statements; development is the responsibility of the author(s).
- Statements should refrain from characterizing the views and positions of other Committee members.%
- Statements should be consistent with the agreed Advisory Committee Operating Procedures and responsive to the charge set forth in the Advisory Committee’s charter.

- Final statements are due to the Marine Mammal Commission no later than COB Friday, 18 November 2005.[#]
- Use of the terms “majority” and “minority” in these statements is counter to the spirit with which the Advisory Committee process was undertaken.
 - *A few additional clarifications have been requested:*
 - * *The 30-page limit applies to each statement in toto (including references, tables, figures, title pages, appendices, etc).*
 - % *Statements may include text from Subcommittee, Working Group, and full Advisory Committee working drafts. However, such text must not be placed in quotations or otherwise cited as a product of the Advisory Committee, Subcommittees, or Working Groups. In other words, authors may pull from the drafts in their statements, but must not indicate that such text was an agreed product of the Advisory Committee or any subgroup thereof.*
 - # *The deadline for submission of statements is clarified below.*
 - *Advisory Committee members may author only one of the non-consensus statements submitted to the Commission. Each statement should clearly indicate on a title page which Committee members are co-authors. A Committee member may express support for other statements within the text of his or her own statement.*

Step 3. The Commission will prepare a report to Congress in response to its charge. Our report to Congress will append all individual/caucus statements that comply with the above ground rules and are received by the deadline (Step 2), as well as the summary of the process described in Step 1 above.

- *In our report to Congress, the Commission may draw from previous drafts of the Advisory Committee, Subcommittees, or Working Groups but will not directly cite or quote text from any such drafts, and we will not refer to any such text as representing agreed products of those groups.*

Step 4. The Committee members will receive the Commission’s submitted report (with the Advisory Committee’s report—Step 1 summary and Step 2 statements— appended) upon its transmittal to Congress. Committee members retain the option, if they wish, of submitting their own separate reports to Congress. Any such reports will not be part of the Commission’s process and will be independent of the Advisory Committee’s report to the Commission and the Commission’s report to Congress.

Deadline for Submission and Charter Extension

We understand that most groups are well on their way to completing their statements. If at all possible, we encourage all members to adhere to the original 18 November deadline. One agency, having already made a good faith effort to produce a statement, has submitted a request for additional time to obtain agency clearance. The Commission

is therefore now consulting with all members before determining how much additional time will be needed.

In the interest of fostering discussion across caucuses, and of bringing the Advisory Committee process to a timely close, we ask that all those preparing a non-consensus statement **circulate by COB on 18 November 2005, to the full Advisory Committee, the text that they have proposed as a final statement (noting on the title page whether further changes may be needed due to agency/constituent clearance processes). If any members think they will require additional time to finalize a statement, the authors must notify the Commission by COB 10 November and provide an estimate of how much additional time is needed. The Commission will then notify the entire Advisory Committee of any new deadline to submit their statements, which will apply to all members.**

The Advisory Committee's current charter expires on 17 November 2005. We will extend the charter as needed, with the intent of drawing the process to a close as soon as possible.

Action Items

- 1) If you need additional time to finalize your statement, notify the Commission by COB 10 November and provide an estimate of how much additional time is needed.
- 2) All those preparing a non-consensus statement should circulate the text that they have proposed as a final statement to the full Advisory Committee by COB on 18 November 2005.
- 3) By COB 18 November, all Advisory Committee members must also review and give final approval to the revised Process Summary prepared by the facilitation team (to be circulated on or before 11 November).

Thank you again for your efforts over the past two years. We appreciate the time and energy invested in producing your statements and look forward to reading them.